

Public Interest Showing

The public interest would be served through KEPG's upgrade. George West, a community with a 2000 population of 2524, currently has three FM assignments, including a Class C3 facility, but none of the three allotments is occupied or even applied for. Further, George West receives city-grade service from KXRB, Channel 252C2, Beeville, Texas. Allocation Statement, p. 2. A construction permit was issued for Channel 281A at George West (later changed to Channel 265A), but that permit (File No. BPH-19940207MA) expired on December 21, 2000 with no station having been constructed.

Presumably, all three of the unoccupied, unapplied-for allocations at George West' will be made available for auction at some date in the distant future. At the conclusion of such auctions--if **all** three allocations were to draw bids--the permittees would have three years to construct. Given (a) the small size of the community, (b) the fact a Class A station at the Channel 265A reference coordinates would provide 60 dBu service to a population of only 9353 persons (Allocations Statement, p. 2), (c) Channel 265A is one of three available frequencies, and (d) the Commission's FM auctions have been indefinitely postponed: it is unlikely that either a viable bidder would emerge or, if such a bidder ultimately appears, that a station on that channel would be constructed at George West in the foreseeable future. This conclusion is borne out by the expiration of the previous (and only) George West construction permit.

In contrast to this delay and uncertainty, KEPG would make use of the available spectrum to provide improved service to the public immediately. Indeed, if Channel 265 is

¹ Channel 228C3 was allotted to George West effective March 2, 1998, and Channel 292A **was** allocated effective **August** 19, 2002. *Allocation Statement*, p.2.

² *See* Public Notice, DA-01-2148 ("FM Auction No. 37 Postponed"), released September 14, 2001

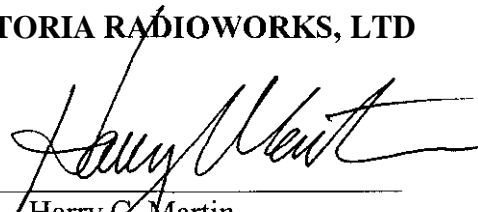
upgraded from Class A to Class C3 as requested, KEPG will file an application for the new channel and, upon grant, expeditiously construct the new Class C3 facility. The attachment statement shows that the upgrade would result in an 87 percent increase in the area served and a 10 percent increase in 60 dBu service population, representing an additional 9226 persons.

WHEREFORE, It is respectfully requested that the Commission amend the FM Table Allotments as requested above and modify the license of Station KEPG, Victoria, Texas, to specify operations on Channel 265C3 in lieu of Channel 265A.

Respectfully requested,

VICTORIA RADIOWORKS, LTD

By



Harry C. Martin
Its Attorney

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Arlington, VA 22209
703-812-0400

January 30, 2003

ALLOCATION STATEMENT

This statement is prepared on behalf of Victoria RadioWorks, Ltd. This is a proposal to provide an upgrade on Channel 265 from Class A to Class C3 for Station KEPG, Victoria, Texas, by deleting one of three unused and unapplied for allocations in George West, Texas. This proposal may be summarized as follows:

| <u>City</u> | <u>Present</u> | <u>Proposed</u> |
|--------------------|------------------------------------|-------------------------------------|
| Victoria, Texas | 222A, 236C3, 254C1, 300C1, 265A | 222A, 236C3, 254C1, 300C1, 265C3 |
| George West, Texas | 228C3, 292A, 265A | 228C3, 292A |

Victoria, Texas, Channel 265C3

The proposed reference coordinates for Victoria Channel 265A are 28°46'40" North, 97°04'10" West. Exhibit A is an allocation study of this reference site as Class C3. As shown in Exhibit B, this reference site is 9.5 kilometers west of Victoria, Texas, where the entire city of Victoria will be served with the 70-dB μ contour *as* required by §73.315(a) and §73.315(b) of the FCC Rules. This demonstrates compliance with all requirements as set forth in §73.207 of the FCC Rules, except for the mutually exclusive allocation in George West.

Using these reference coordinates, the coverage from this proposed site was calculated according to 573.313 of the Rules. The 60-dB μ (1 mV/m) contour will encompass 4,530 square kilometers of land area and 92,770 persons. The current licensed facility serves 2,110 square kilometers and 83,544 persons. This represents an 87% increase in area and 10% increase in population served by Station

KEPG.

Deletion of Channel 265A, George West, Texas

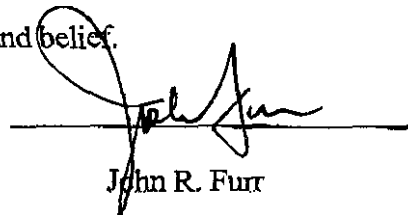
This proposal will **permit** an immediate increase in the service **area** of KEPG by 2,420 square kilometers **and** add 9,226 additional **persons** within the service area. The 60-dB μ area and population that **theoretically** would be served if Channel 265A were activated **at** George West, using the reference coordinates for **the** allocation, would be **2034** square kilometers and 9,953 persons.

George West has three channels that are unused. **A** construction permit was issued for Channel 281A at George West, which was allocated **effective** September 19, 1888. The allocation **was** later was **modified** to specify Channel 265A (File No. BPH-19940207MA), but the permittee failed to construct, resulting in expiration of **the** permit on December 21, 2000. Channels 228C3 and 292A were allocated to George West effective March 2, 1998 and August 19, 2002, **respectively**, but neither of these channels has been activated either. Additionally, Station KXRB, 250C2, which operates 14 kilometers away at Beeville, Texas, provides city grade service to George West.

George West, Texas had a 2000 population of 2,524 persons.

I, John R. Furr, **am** a **Communications** Consultant and I represent Victoria Radio Works, Ltd. My qualifications **are** a matter of record with the Commission. All statements **made** herein are true and correct to the best of my knowledge and belief.

January 29, 2003



John R. Furr

Victoria RadioWorks Ltd., Victoria, Texas

Exhibit A - Victoria Allocation Study

FM Study for: KEPG FCC Database Date: 1/10/2003 28-46-40
Location: VICTORIA, TX Channel Class: 'C3 97-04-10

Call City, State Chan Class Freq kW Latitude Dist. Required
Status Proponent File Number HAAT Longitude Azm. Clear (km)

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>>>>>>> Study For Channel 265 100.9 MHz <<<<<<<

ALLOC VICTORIA, TX                      265 C3 100.9                      28-46-40                      0.0 153
VAC    Fac. NO. 30147                      -19840828IA                      0                      97-04-10                      0.0 -153.0    SHORT

KEPG    VICTORIA, TX                      265 A 100.9 6.00                      28-47-20                      2.3 142
LIC    Fac. NO. 74362                      BLH-20000503AAI                      83                      97-03-00                      57.0 -139.7    SHORT

ALLOC GEORGE WEST, TX                      265 A 100.9                      28-24-26                      115.0 142
RSV    RM-9773                      0                      98-10-05                      249.3 -27.0    SHORT

KLLOL    HOUSTON, TX                      266 C 101.1 95.0                      29-34-34                      175.61 176
LIC    Fac. No. 35073                      BLH-19831025AB                      585                      95-30-36                      59.4 -0.33    CLOSE

ALLOCR PALACIOS, TX                      264 A 100.7                      28-36-30                      90.24 89
ADD    RM-9848                      0                      96-09-58                      101.8 +1.24    CLOSE

KASEFM AUSTIN, TX                      264 C 100.7 100.                      30-19-10                      185.0 176
LIC    Fac. NO. 35849                      BLH-19820628AN                      363                      97-48-06                      337.6 +9.0    CLOSE

ALLOC REFUGIO, TX                      263 A 100.5                      28-21-00                      51.5 42
VAC    Fac. No. 95781                      Dockt-1998-165                      0                      97-16-30                      203.0 +9.5    CLOSE

KNCN    SINTON, TX                      267 C1 101.3 100.                      27-55-24                      100.9 76
LIC    Fac. No. 67186                      BMLH-575                      110                      97-25-26                      200.2 +24.9    CLEAR

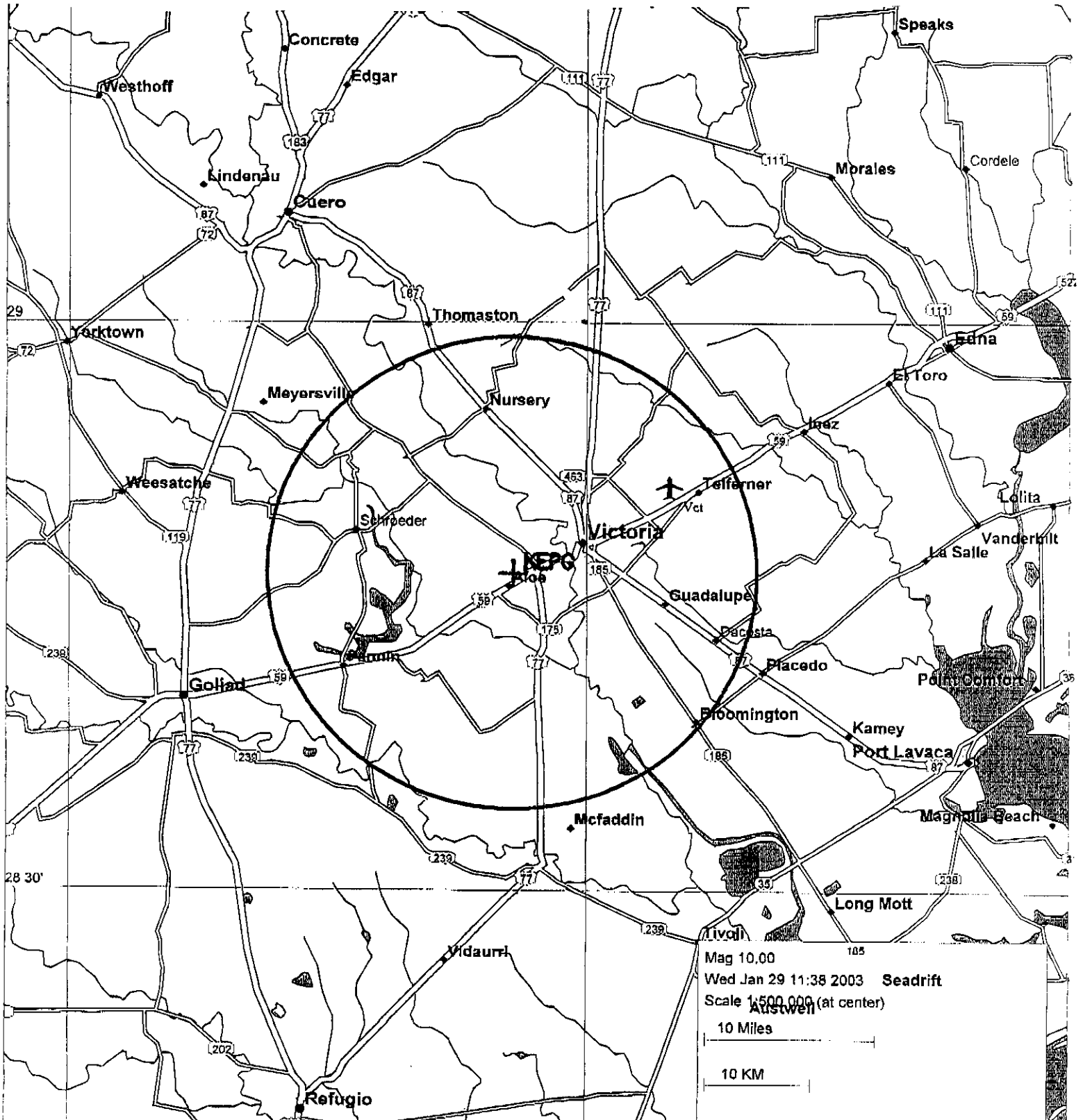
KONOFM HELOTES, TX                      266 C1 101.1 96.0                      29-31-25                      180.9 144
LIC    Fac. NO. 50030                      BMLH-20001010ACP                      302                      98-43-25                      297.6 +36.9    CLEAR
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Victoria RadioWorks Ltd. Victoria, Texas

Exhibit B – Victoria City Coverage

Victoria RadioWorks Ltd. Victoria, Texas

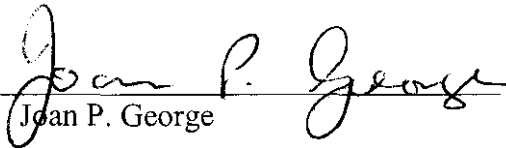
Exhibit B - Victoria City Coverage



CERTIFICATE OF SERVICE

I, Joan P. George, a secretary in the law ~~firm~~ of Fletcher, Heald & Hildreth, do hereby certify that *a* true copy of the foregoing *Petition for Rule Making* was, on this 30th day of January 2003, delivered by hand on the following:

John A. Karousos
Federal Communications Commission
The Portals
445 12th Street, SW, Room 2-A266
Washington, D.C. 20554



Joan P. George